

REMARKS

Claims 1-12 are all the claims pending in this application. By this Amendment, Applicant adds claims 11 and 12. These new claims are clearly supported throughout the specification, e.g. see pages 7-8 of the specification. No new matter is being added.

In addition, by this Amendment, Applicant editorially amends claims 1 and 4-8 to fix typographical and similar minor errors. The amendments to claims 1 and 4-8 do not narrow the literal scope of the claims and thus do not implicate an estoppel in the application of the doctrine of equivalents. The amendments to claims 1 and 4-8 were not made for reasons of patentability.

Applicant thanks the Examiner for initialing the references listed on form PTO-1449 filed with the Information Disclosure Statement on August 13, 2001. The Examiner, however, has not indicated receipt or consideration of the references listed on form PTO-1449 submitted with the Information Disclosure Statement filed on December 20, 2001. Therefore, Applicant respectfully requests the Examiner to acknowledge receipt of the Information Disclosure Statement filed on December 20, 2001 and initial and return a copy of the Form PTO-1449.

Applicant also thanks the Examiner for acknowledging the claim to foreign priority and for confirming that the certified copy of the priority document was received.

Claim Rejections under 35 U.S.C. § 102(e)

Claims 1-10 are rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by a PCT Publication No. WO 99/52310 to Salonaho (hereinafter "Salonaho"). Applicant respectfully traverses this rejection and respectfully requests the Examiner to reconsider this rejection in view of the following comments.

Of the rejected claims, only claims 1, 6, and 9 are independent. To begin, independent claim 1 recites a unique combination of features including: “wherein a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, and wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period.”

The Examiner alleges that claim 1 is directed to a method of adjusting transmission power for base stations and is anticipated by Salonaho (page 2 of the Office Action). In particular, the Examiner alleges that Salonaho’s method of signaling parameters to the base station used for a correction process is equivalent to signaling the adjustment power together with an adjustment period and periodically adjusting the transmission power to the reference transmission power, at the adjustment period. Applicant respectfully disagrees.

For example, in the illustrative, non-limiting embodiment of the present invention, the parameters which are signaled to a base station include a reference power and an adjustment period. The adjustment period is such that a base station periodically adjusts its transmit power to the reference transmission power at this adjustment period. In other words, the reference transmission power is not changed (*i.e.*, not signaled) at each adjustment period. That is, in the exemplary embodiment, there is no need to signal updated values frequently even if the reference transmission power has changed. It is only necessary to perform regular adjustments even if they are performed on the most recently signaled value for the reference transmission power, which does not necessarily correspond to an up-to-date value of the transmission power. This passage is provided by way of an example only and is not intended to limit the scope of the claims in any way.

On the contrary, Salonaho teaches reducing the average downlink transmitting power from a base station to a mobile station during a soft handover. In particular, Salonaho teaches changing the target power (*i.e.*, generally signaled in an initiation message) at each power correction interval (page 6, lines 15-25). A base station calculates a power correction step to be applied during each power correction interval, based on its initial power, on the signaled target power, and on a predetermined number of power correction steps during a power correction interval. The power correction steps are used in combination with the closed loop adjustments steps (page 6 line 29 to page 7 line 4). Moreover, Salonaho teaches transmitting an initiation message at each power correction interval.

Salonaho, however, only teaches that it is possible to refrain from transmitting the initiation message if the parameters remain unchanged (page 6 lines 24-27). In other words, Salonaho teaches not signaling the target power only when it remains the same. That is, Salonaho clearly fails to teach or suggest that even if the target power changes, there is no need to signal the target power relatively frequently. Salonaho fails to teach or suggest only proceeding with regularly scheduled adjustments even if they are performed on the most recently signaled value for the target power and not on the up-to-date value of the target power. Salonaho fails to teach or suggest receiving a target power and performing periodic power corrections based on this target power. In other words, Salonaho fails to teach or suggest signaling a reference transmission power and periodically adjusting the transmission power to the reference transmission power at the adjustment period.

In addition, Salonaho only teaches that in the case when the initiation message is not transmitted, the commencement of a new power correction interval is determined by an internal

timer or a counter exceeding a predetermined threshold (page 6, lines 26-29). As such, Salonaho does not teach or suggest signaling a reference transmission power for said adjustment together with an adjustment period, and periodically adjusting its transmission power to said reference transmission power, at said adjustment period.

Therefore, “wherein a reference transmission power for said adjustment is signaled to each of said base stations together with an adjustment period, and wherein each of said base stations periodically adjusts its transmission power to said reference transmission power, at said adjustment period,” as set forth in claim 1 is not suggested or taught by Salonaho, which lacks *periodically adjusting the transmission power based on the reference transmission power received and signaling an adjustment period along with a reference transmission power and adjusting the power at the signaled adjustment periods.* For at least these exemplary reasons, Applicant respectfully submits that independent claim 1 is patentably distinguishable from Salonaho. Applicant therefore respectfully requests the Examiner to withdraw this rejection of independent claim 1. Also, Applicant respectfully submits that claims 2-5 and 10 are allowable at least by virtue of their dependency on claim 1.

Independent claims 6 and 9 recite features similarly to the features argued above with respect to claim 1. Namely, independent claim 6 among a number of unique features recites “means for signaling a reference transmission power value for said adjustment to each of said base stations, together with an adjustment period,” and claim 9 recites a number of unique features including “means for receiving a reference transmission power value for said adjustment, as transmitted by a radio network controller together with an adjustment period; and means for periodically adjusting its transmission power to said reference transmission power

value, at said adjustment period.” Since independent claims 6 and 9 contain features that are similar to the features argued above with respect to claim 1, those arguments are respectfully submitted to apply with equal force here. For at least substantially the same reasons, therefore, Applicant respectfully requests the Examiner to withdraw this rejection of independent claims 6 and 9. Claims 7 and 8 are patentable at least by virtue of their dependency on claim 6.

New Claims

New claims 11-12 are clearly patentable over the prior art reference cited by the Examiner at least by virtue of their dependency on claim 9.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

Amendment under 37 C.F.R. § 1.111
U.S. Application No.: 09/855,499

Attorney Docket No.: Q64525

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373
CUSTOMER NUMBER

Date: June 28, 2004